

REMARKS

Claims 50-63 were pending in the present application. Claims 50-63 have been canceled without prejudice and claims 64-72 have been added. Support for the amendments can be found throughout the specification and claims as originally filed. No new matter has been added by virtue of the amendments.

Claim Rejections under 35 U.S.C. §112, Second Paragraph

Claims 50-63 were rejected under 35 U.S.C. 112, first paragraph, as “failing to comply with the enablement requirement.”

First, the Examiner asserts that the specification “[d]oes not teach any compound identified by the instantly claimed method is capable of treating any of the diseases listed in the claims.” The Examiner then suggests to limit the scope of the claims to “method of screening a compound capable of binding...”. Applicants appreciate the Examiner’s suggestion and have amended the presently pending claims to recite “A method for identifying a candidate compound which binds to a polypeptide...”

Second, the Examiner states that the “[s]pecification as originally filed does not teach how to do an assay for dehydrogenation of Acyl-CoA esters and the specification fails to teach how to make a fragment of SEQ ID NO:2 or a protein 95% identical to SEQ ID NO:2 or a fragment thereof with a dehydrogenase activity.” Applicants respectfully traverse this rejection, however in the interest of expediting prosecution, Applicants have canceled claims 50-63 and have added new claims 64-72 which no longer recite fragments or variants of the polypeptide of SEQ ID NO:2. Additionally, these claims no longer recite assays pertaining to the dehydrogenation of Acyl-CoA esters.

Third, the Examiner asserts that the use of the term “ameliorate” in claims 51 and 52 “[d]oes not make very much sense.” Applicants have canceled claims 50-63 and have added new claims 64-72 which no longer recite the term “ameliorate”.

The amendments contained herein are believed to obviate the rejection. Thus, Applicants respectfully request reconsideration and withdrawal of the foregoing §112, second paragraph rejection over claims 50-63.

Claim Rejections under 35 U.S.C. §112, First Paragraph

Claims 50-63 were rejected under 35 U.S.C. 112, second paragraph, as “failing to comply with the written description requirement.” Specifically, the Examiner asserts that the use of the term “ameliorate” is inappropriate as it relates to cellular growth or proliferation of cancer cells rather than relating to the treatment or improvement of disease conditions.

Applicants have canceled claims 50-63 and have added new claims 64-72 which no longer recite the term “ameliorate”, thereby obviating the rejection. Thus, Applicants respectfully request reconsideration and withdrawal of the foregoing §112, first paragraph rejection over claims 50-63.

CONCLUSIONS

In view of the amendments and remarks made herein, Applicants respectfully submit that the rejections presented by the Examiner are now overcome and that this application is in condition for allowance. If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

It is believed that this paper is being filed timely as a request for a one month extension of time is filed concurrently herewith. No additional extensions of time are required. In the event any additional extensions of time are necessary, the undersigned hereby authorizes the requisite fees to be charged to Deposit Account No. 501668.

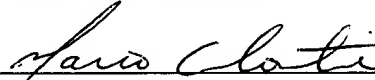
Entry of the remarks made herein is respectfully requested.

August 11, 2004

Respectfully submitted,

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By



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Limited Recognition Under 37 C.F.R. §10.9(b)

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